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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,389	11/03/2003	Fardin Maxmillian Zahedi	65036-2	6345
22504	7590	02/24/2005	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP			COLLINS, DOLORES R	
2600 CENTURY SQUARE			ART UNIT	
1501 FOURTH AVENUE			PAPER NUMBER	
SEATTLE, WA 98101-1688			3711	

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,389	Applicant(s) ZAHEDI, FARDIN MAXMILLIAN	
	Examiner Dolores R. Collins	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-2, 14-16 & 18 of the claimed invention lack patentable utility.

Absent any payout based upon a wager, there is no transformation since applicant's invention is nothing more than abstract ideas.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb (719) in view of Lofink (024) and further in view of Marchesani (757).

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Webb discloses a Method For Playing Blackjack With A Three Cards Poker Wager (21+3).

Regarding claim 1

Webb teaches a standard deck of cards, providing players the option to wager on Twenty-one and Poker and means for playing both games (see abstract, figure 1 & col. 3, lines 1-22). Webb fails to explicitly teach any type of modification to his deck. Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility to game play.

Although Lofink teaches a modified deck, he fails to explicitly teach revaluation as part of his modification. Marchesani (757) discloses Low/Max Card Game Method And Apparatus. Marchesani teaches, in one embodiment, the revaluing of Kings, Queens and Jacks (see [0031]). It would have been obvious to one of ordinary skill in the art to modify the method Webb to include the revaluing of cards to add excitement to game play.

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Regarding claim 2

As discussed above, one of ordinary skill in the art would revalue at any selected value.

Regarding claims 3, 10, 13, 15, 17 & 19-20

Webb teaches predetermined odds (see claim 15). The specifics of the predetermination would vary depending on the desired optimum value desired by each establishment. Such would involve routine skill in the art.

Regarding claim 4

By teaching a modified deck, Lofink teaches that his deck could include 53 cards. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

Regarding claims 5-8, 11-12, 14, 16 & 18

Lofink discloses a Blackjack Game With Modifiable Vigorish. His game teaches a standard deck with the option of adding card(s) and further teaches that his game may be modified to provide liberal rules (see abstract & claim 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Webb to include the modifications taught by Lofink to add flexibility and excitement to game play.

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Further, regarding claims 5, examiner takes official notice that in the game of Twenty-One, players have, as a matter of choice, the option to spit pairs and/or may insurance wagers or not. Regarding claim 6, Lofink in col. 4, (iii), teaches this feature. Regarding claims 7-9, examiner takes official notice that a dealer may select any value 17 or above and players may hit and receive a maximum of six cards depending on the value of the cards.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Greg Vidovich*** can be reached on **(571) 272-4415**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



February 17, 2005


GREGORY VIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700